

S.D.N.Y.-N.Y.C.  
17-cv-4179  
Cote, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21<sup>st</sup> day of November, two thousand nineteen.

Present:

John M. Walker, Jr.,  
Denny Chin,  
Richard J. Sullivan,  
*Circuit Judges.*

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: Nov 21 2019
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United States Securities and Exchange Commission,

*Plaintiff-Appellee,*

v.

19-3272

Alpine Securities Corporation,

*Defendant-Appellant.*

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Appellant moved for a stay, pending appeal, of the collection of the monetary penalty imposed by the district court. Appellant has also filed a motion for leave to file a supplemental declaration concerning a communication that it had recently received from FINRA. At oral argument, Appellant clarified that, in light of the recent communication, it seeks a stay not just of the monetary penalty imposed by the district court but of the entire judgment. Appellant also seeks to expedite the appeal. The Securities and Exchange Commission (the "SEC") opposes all these requests.

Upon due consideration, it is hereby ORDERED that: (1) the motion for leave to file a supplemental declaration is GRANTED; (2) the motion for a stay pending appeal of the entire judgment is GRANTED, subject to modification as set forth below; and (3) the appeal is EXPEDITED, as set forth below.

The matter is hereby REMANDED to the district court, pursuant to *United States v. Jacobson*, 15 F.3d 19 (2d Cir. 1994), for consideration of appropriate conditions to the stay to ensure that

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Appellant's assets will not be dissipated during the pendency of the appeal while allowing it to remain in operation. After giving the parties an opportunity to be heard, the district court may modify the stay as it deems appropriate. This Court shall retain jurisdiction over this matter.

It is further ORDERED that the appeal is EXPEDITED as follows: Appellant shall file its principal brief on or before January 6, 2020; Appellee shall file its brief on or before February 11, 2020; Appellant shall file its reply brief, if any, on or before February 25, 2020; and the appeal will be heard on the first available day for argument after March 6, 2020.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

  
Catherine O'Hagan Wolfe



A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  
Catherine O'Hagan Wolfe

